

Appl. No.: 10/763,875
Amdt. dated May 23, 2008
Reply to Office Action of February 25, 2008

REMARKS/ARGUMENTS

This is a full and timely response to the Office Action dated February 25, 2008. Prior to the issuance of the present Office Action, Claims 1-28 were pending. The Applicants respectfully do not agree with the rejections issued in the present Office Action for at least the reasons set forth below. Claims 1-28 remain pending in the present application.

It is respectfully submitted that pending Claims 1-28 are patentable over the cited art. As such, Applicants respectfully request reconsideration and allowance of the present claims in light of the following remarks.

Rejections under 35 U.S.C. § 103(a)

Independent Claim 1

The Examiner has rejected independent Claim 1 as being obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 5,481,588 to *Rickli* and U.S. Patent No. 6,336,035 to *Somoza*. The Examiner admits that *Rickli* fails to teach comparing the test parameters to a dispatch plan for each of a plurality of routes, and identifying one or more optimal routes from the plurality of routes based on the results of the comparison. The Examiner, however, submits that the software tools for network planning discussed in *Somoza* disclose these comparing and identifying steps.

However, contrary to the Examiner's assertions, *Somoza* fails to disclose the step of "comparing said test parameters to said dispatch plan for each of said plurality of routes" as recited in Claim 1. In rejecting the comparing step of Claim 1, the Examiner equates the dispatch plan of Claim 1 with the planned RF coverage data listed in *Somoza* at Col. 8, line 13 (*See* Pg. 3 of Office Action). This cited excerpt of *Somoza* states: "The cell information used to represent drive test routes through a cell includes topographical data 505, street map data 510, architectural clutter data 515, planned RF coverage data 520, global positioning system (GPS) mapping data 525, and user location data 530" (Col. 8, lines 10-15).

The dispatch plan of Claim 1, however, cannot be equated with the planned RF coverage data in *Somoza*, as these terms relate to very different concepts. As required by Claim 1, each of the vehicles is assigned to one of a plurality of routes according to a dispatch plan, wherein the

dispatch plan comprises vehicle data and route data (*See Claim 1*). Additionally, the specification of the present invention describes an embodiment of the dispatch plan as:

“A dispatch plan 60 may include vehicle data and *route data*, in one embodiment. The vehicle data may include the number of vehicles to be dispatched, the type or size of each vehicle, a specific route number or identifier to which each vehicle is assigned, and other data linking the vehicle to one or more routes in the plan. The route data may include geographic characteristics, such as start location, an end location, and one or more intermediate stop locations. Route data may also include time data, such as start time corresponding to the start location, an end time corresponding to the end location, and one or more intermediate stop durations corresponding to each intermediate stop location.” (*Emphasis added*, Paragraph [0069], lines 19-30)

Accordingly, a dispatch plan assigns each vehicle of a plurality of vehicles to one of a plurality of routes.

In contrast, planned RF coverage data is described in *Somoza* as follows:

“Planned RF coverage data 520 provides a topographical view of planned RF coverage for a cell. Computer system 140 displays planned RF coverage data 520 as transparent to enable viewing of other cellsite information, such as topographical, architectural, and street map data. GPS mapping data 525 provides the location of a technician driving along a drive test route through the cell at a given time. This data may be received in real-time over a GPS communication link or retrieved from database 120. User location data 530 identifies the location of a user within the cell at a particular time. This data is represented as a sphere in FIG. 5.” (Col. 8, lines 25-36)

As illustrated above, planned RF coverage data does not involve assigning routes at all, but rather, involves providing a particular view of the information relating to the RF coverage for a particular cell, which may include real-time tracking of a drive test, but not the selection of a route from a plurality of routes. The dispatch plan *includes route data* according to the above-referenced description provided in the specification and according to Claim 1, which provides the step of “employing a service enterprise having a fleet of vehicles serving a territory near said target area, each of said vehicles assigned to one of *a plurality of routes according to a dispatch plan, said dispatch plan comprising vehicle data and route data...*” (Claim 1, *Emphasis Added*) Therefore, because these two terms cover completely different concepts, the reference to *Somoza*

regarding the dispatch plan to reject Claim 1 is flawed, and the rejection should be withdrawn.

Somoza also fails to disclose “identifying one or more optimal routes from among said plurality of routes based on the results of said comparing, said optimal routes comprising those most nearly satisfying said test parameters” as claimed in Claim 1. Even if one were to substitute planned RF coverage data for the dispatch plan of Claim 1 as suggested by the Examiner, the above-referenced identifying step would be impossible, as the planned RF coverage data does not include any such route information. In fact, *Somoza* does not involve *identifying* a new route at all, but rather, presenting information on an interface, wherein a technician may simulate a *new route* upon viewing the information (See *Somoza*, Col. 7, line 59 to Col. 8, line 19). Simulating a new route is distinct from “employing a service enterprise having a fleet of vehicles serving a territory near said target area, each of said vehicles assigned to one of a plurality of routes according to a dispatch plan” (See Claim 1). Thus, because the combination of *Rickli* and *Somoza* does not teach or suggest each and every limitation of Claim 1, the rejection does not meet the initial burden of stating a *prima facie* case of obviousness, and should be withdrawn.

Dependent Claims 2-10

Claims 2-10 depend from independent Claim 1 and therefore include all of the limitations of independent Claim 1 plus additional limitations that are not disclosed in the prior art. For example, Claim 2 provides “wherein the step of establishing test parameters further comprises storing a geographic parameter, and wherein said route data includes a start location, an end location, and one or more intermediate stop locations.” Claim 3 provides “wherein said step of storing a geographic parameter further comprises: storing one or more tower identifiers, each defining a tower location, and storing one or more sector identifiers, each of said one or more sector identifiers comprising a sector location and an antenna configuration.” Claim 4 provides “wherein the step of establishing test parameters further comprises storing a time parameter describing a time window, and wherein said route data includes a start time corresponding to said start location, an end time corresponding to said end location, and one or more intermediate stop durations corresponding to said one or more intermediate stop locations.” Accordingly, for this

reasoning and for the reasons stated above for independent Claim 1, Claims 2-10 are patentably distinct from the cited prior art.

Independent Claim 11

The Examiner has rejected independent Claim 11 under 35 U.S.C. § 103(a) as being obvious in light of the combination of *Rickli* and *Somoza* for the reasons set forth for Claim 1. The Examiner admits that *Rickli* fails to teach comparing the test parameters to a dispatch plan for each of a plurality of routes, and identifying one or more optimal routes from the plurality of routes based on the results of the comparison. The Examiner, however, submits that the software tools for network planning discussed in *Somoza* disclose these comparing and identifying steps.

However, contrary to the Examiner's assertion, *Somoza* fails to disclose or suggest "a third executable portion configured to compare said test parameters to said dispatch plan for each of said plurality of routes." As discussed above for Claim 1, the Examiner has mistakenly equated the "planned RF coverage data" of *Somoza* to the "dispatch plan" of Claim 11. Planned RF coverage data, as defined in *Somoza*, comprises "a topographical view of planned RF coverage for a cell" (*Somoza* at Col. 8, lines 25-27). On the other hand, a dispatch plan comprises vehicle data and route data, wherein route data "may also include time data, such as start time corresponding to the start location, an end time corresponding to the end location, and one or more intermediate stop durations corresponding to each intermediate stop location" (Paragraph [0069], lines 19-30). Planned RF coverage data is not the same as a dispatch plan, and one cannot be understood to disclose the other because the two terms relate to very different information. Thus, the Examiner's rejection of the above-referenced third executable portion is flawed, and should be withdrawn.

Somoza also does not disclose "a fourth executable portion configured to identify one or more optimal routes from among said plurality of routes based on the results of said third executable portion, said optimal routes comprising those most nearly satisfying said test parameters" as claimed in Claim 11. *Somoza* does not involve identification of an optimal route from a plurality of routes as claimed in Claim 11, and in fact, involves merely presenting information on an interface wherein a technician may simulate a route (*See* Col. 7, line 59-Col. 8

line 19). *Somoza*, therefore, simulates a new route, while Claim 11 results in the identification of an optimal route from a plurality of routes rather than simulating a new route. Thus, for at least these reasons and the reasons discussed above for Claim 1, the Examiner has failed to establish a *prima facie* case of obviousness for Claim 11, and the rejection should be withdrawn.

Dependent Claims 12-17

Claims 12-17 depend from independent Claim 11 and therefore include all of the limitations of independent Claim 11 plus additional limitations that are not disclosed in the prior art. For example, Claim 12 provides “wherein said first executable portion is further configured to store test parameters including a geographic parameter, and wherein said second executable portion is further configured to store route data including a start location, an end location, and one or more intermediate stop locations.” Claim 13 provides “wherein said first executable portion is further configured to store test parameters including a geographic parameter comprising: one or more tower identifiers, each defining a tower location, and one or more sector identifiers, each of said one or more sector identifiers comprising a sector location and an antenna configuration.” Accordingly, for this reasoning and for the reasons stated above for Claim 11, Claims 12-17 are patentably distinct from the cited prior art.

Independent Claim 18

The Examiner has rejected independent Claim 18 as being obvious under 35 U.S.C. § 103(a) over *Rickli* and *Somoza* for the reasons set forth for Claim 1. As discussed above for Claim 1, the Examiner admits that *Rickli* fails to teach comparing the test parameters to a dispatch plan for each of a plurality of routes, and identifying one or more optimal routes from the plurality of routes based on the results of the comparison. The Examiner, however, submits that the software tools for network planning discussed in *Somoza* disclose these comparing and identifying steps.

However, contrary to the Examiner’s assertions, *Somoza* fails to disclose or suggest the “means for comparing said test parameters to said dispatch plan for each of said plurality of routes” as claimed in Claim 18. As discussed above for Claim 1, *Somoza* does not disclose or

suggest any type of means for comparing test parameters to a dispatch plan. In rejecting the claims, the Examiner mistakenly equates the planned RF coverage data of *Somoza* with the dispatch plan of Claim 18. However, as discussed above for Claim 1, this reasoning is flawed because these terms have very different meanings, and therefore, the rejection of Claim 18 should be withdrawn.

Somoza also does not disclose the “means for identifying one or more optimal routes from among said plurality of routes based on results from said comparing means, said optimal routes comprising those most nearly satisfying said test parameters” as claimed in Claim 18. As also discussed above for Claim 1, *Somoza* does not involve *identifying* a new route at all, but rather, presenting information on an interface, wherein a technician may simulate a *new route* upon viewing the information (See *Somoza*, Col. 7, line 59 to Col. 8, line 19). As such, *Somoza* does not disclose or suggest any type identification of one or more optimal routes from a plurality of routes based on a comparison between test parameters and a dispatch plan. Therefore, because *Rickli* and *Somoza* fail to disclose each and every limitation of Claim 18, the rejection does not meet the initial burden of stating a *prima facie* case of obviousness, and the rejection should be withdrawn.

Dependent Claims 19-28

Claims 19-28 depend from independent Claim 18 and therefore include all of the limitations of independent Claim 18 plus additional limitations that are not disclosed in the prior art. For example, Claim 19 provides “wherein said test parameters comprise a geographic parameter, and wherein said route data includes a start location, an end location, and one or more intermediate stop locations.” Claim 20 provides “wherein said geographic parameter further comprises: one or more tower identifiers, each defining a tower location, and one or more sector identifiers, each of said one or more sector identifiers comprising a sector location and an antenna configuration.” Accordingly, for this reasoning and for the reasons stated above for independent Claim 18, Claims 19-28 are patentably distinct from the cited prior art.

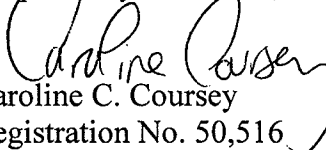
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CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action mailed on February 25, 2008. The Applicant respectfully submits, in light of the foregoing remarks, that the present application is in consideration for allowance, and such action is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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